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September 9, 2020

VIA ECF

Honorable Freda L. Wolfson, Chief Judge
United States District Court- District of NJ
Clarkson S. Fisher Building & U.S. Courthouse
402 East State Street, Court Room 5E
Trenton, NJ 08608

**Re: *In re: Johnson & Johnson Talcum Powder Products Marketing,
Sales Practices and Products Liability Litigation - MDL 2738***

Dear Chief Judge Wolfson:

Please accept this letter in support of defendants Johnson & Johnson and Johnson & Johnson Consumer Inc.'s Motion to Dismiss for failure to comply with the Court's May 15, May 26, and June 4, Orders regarding case-specific discovery for Stage One discovery pool cases.

As of this filing, the 15 discovery pool plaintiffs listed in attached Exhibit A have failed to comply with the Court's orders requiring them to provide a completed Plaintiff Profile Form ("PPF") and supporting documents by the September 2, 2020 deadline. Specifically, the June 4, 2020 Order [Doc. No. 13525] directed that:

Within 90 days from the entry of this Order, plaintiffs in each of the Selected Cases shall: (1) produce a fully complete and verified Plaintiff Profile Form, the form of which was attached to the Order of May 26, 2020, as Exhibit B; (2) produce executed medical record retrieval authorizations, the form of which was attached to the Court's Order of May 26, 2020, as Exhibit C; and (3) promptly order and produce core records pursuant to Paragraph 2 of the May 15, 2020 Order.

Honorable Freda L. Wolfson,
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Despite knowing of their basic discovery obligations for months, these discovery pool plaintiffs have not produced any discovery as required by the Orders. See *also* May 15, 2020 Order [Doc. No. 13317], ¶ 2; May 26, 2020 Order [Doc. No. 13428], ¶ 6. Defendants notified plaintiffs (through counsel) of their failure to comply and allowed them an opportunity to cure their deficiencies to no avail. Only one plaintiff whose case is the subject of this motion responded at all – the Kiesel firm on *Bynam* asking for an extension of time for 15 days because they cannot find their client.

Pursuant to Rule 41(b), “If the plaintiff fails to prosecute or to comply with these rules or a court order, a defendant may move to dismiss the action or any claim against it.” Discovery and case preparation efforts have stalled in these actions due to plaintiffs’ continued refusal to comply with the Court-ordered discovery. Defendants therefore respectfully request that plaintiffs’ cases be dismissed with prejudice pursuant to Rule 41(b).

Thank you for your consideration of this matter.

Respectfully submitted,

/s/ Susan M. Sharko

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*Attorneys for Defendants Johnson &
Johnson and Johnson & Johnson
Consumer Inc.*

cc: All Counsel of Record (via ECF)

Honorable Freda L. Wolfson,
Chief Judge

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EXHIBIT A

No.	Full Name	Case No.	Firm
1.	Smith, Pauline	3:18-cv-14853	Burns Charest LLP
2.	Stallings, Elizabeth	3:18-cv-00274	Burns Charest LLP
3.	Gray, Martha	3:18-cv-00519	Burns Charest LLP
4.	Stewart, Kathlene	3:19-cv-17655	Burns Charest LLP
5.	Wagoner, Earline	3:18-cv-05820	Burns Charest LLP
6.	Cunningham, Theresa	3:16-cv-07889	Burns Charest LLP // Burns Charest LLP // Meierhenry Sargent, LLP
7.	Cowart, Deniria	3:19-cv-22157	Driscoll Firm, P.C.
8.	Castillo, Lorraine	3:19-cv-00576	Fears Nachawati Law Firm
9.	Richards, Duane	3:18-cv-14654	Fears Nachawati Law Firm
10.	Rodgers, Michelle	3:19-cv-15158	Fears Nachawati Law Firm
11.	Bynam, Denise	3:19-cv-13428	Kiesel Law, LLP // LAW OFFICE OF HAYTHAM FARAJ // Martinian & Associates, Inc.
12.	Hartman, Pamela	3:20-cv-01264	Morgan & Morgan
13.	Conley, Alexis	3:18-cv-11677	Murphy, Falcon & Murphy, P.A.
14.	Baxter, Corrine	3:17-cv-07780	The Dugan Law Firm
15.	Joseph, Shintelle	3:16-cv-07465	The Dugan Law Firm